IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No.3491 of 2006

Between:

Gattu Lachavva.

..... PETITIONER

AND

1.The State of A.P.,

rep. by the Chief Secretary to Government,

Secretariat, Hyderabad, and another.

.....RESPONDENTS

ORDER: ***(Per Hon'ble Sri Justice Bilal Nazki,)***

This is a Writ Petition challenging the order of detention

passed by the second respondent-Collector against one Sri Gattu Srinivas on 20-12-2005 under Section 3(2) r/w Section 3(1) of the Andhra Pradesh Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, (for short 'the Act').

Counter has been filed. In the meantime, an application for amendment being W.P.M.P.No.5876 of 2006 was also filed. By this amendment, the writ petitioner seeks to challenge G.O.Rt.No.462, General Administration (Law & Order-II) Department, dated 25-01-2006. This is the order by which the Government has confirmed the order of detention of the detenu and has also ordered his detention for a maximum period of 12 months w.e.f. 20-12-2005.

The grounds taken in support of the Writ Petition are that the grounds of detention communicated are not proximate and are too remote. Secondly, it is contended that the report of the public analyst had not stated as to in what percentage the different constituents were found in the sample.

Coming to the first argument, the learned Counsel appearing for the Advocate General submits that the grounds of detention reveal that the detenu has been consistently and continuously indulging in sale of arrack and illicitly distilled liquor, which was prepared by crude methods and that it was causing wide spread danger to public health.

Three cases were registered against the detenu from March, 2005 to September, 2005. The first instance is of a case registered on 05-03-2005 under Section 7(A) R/w 8(e) of

the A.P.Prohibition Act, 1995. Second instance is of a case registered on 24-03-2005 and the third instance is of a case registered on 04-09-2005 under the same Act. Therefore, these instances cannot be termed as remote.

The second ground taken is not available to the petitioner as the matter was considered by a Full Bench of this Court in a judgment reported in ***Doddi Sharada vs. Collector and District Magistrate.*** The public analyst had in his report categorically stated that the liquor which was seized was not fit for human consumption, and as such, it was relevant material for the purpose of coming to a subjective satisfaction with regard to the detention of the detenu.

For these reasons, we do not find any merit in this Writ Petition, which is accordingly dismissed.

(Bilal Nazki, J)

21st March, 2006

(G.Chandraiah, J)

LUR